

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated February 11, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-18 are pending in the Application. By means of the present amendment, claim 17 is amended to correct an informality noted upon review of claim 17. Claim 17 previously provided "receiving the control value V from the storage including the criteria W" but through clerical error neglected to explicitly disclose supplying the criteria W to the storage although clearly, since the criteria W was received from the storage, the criteria W must have been supplied to the storage. The amendment to claim 17 herein corrects this clerical error. Claim 17 is not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Further, the claims are amended to make clear that the control value V, the criteria W are stored together with the authentication data. While this seemed implicit in the claims as presented prior to amendment, based on the interpretation provided in an Advisory Action that issued on April 28, 2009, apparently the claims were not so interpreted. Applicants maintain that the claims are merely amended to clarify that which was already interpreted as a portion of the claims as previously presented. Applicants maintain that the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Claim 17 is rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,314,196 to Yamaguchi ("Yamaguchi"). Claims 1-6, 14-16 and 18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yamaguchi in view of U.S. Patent No. 7,093,131 to Kobayashi ("Kobayashi"). Claims 7 and 9-11 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yamaguchi in view of U.S. Patent No. 5,799,098 to Ort ("Ort"). Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yamaguchi in view of Ort in further view of a publication entitled "A personnel identity verification method using DAB fingerprints (Pattern recognition)", 1998) to Vizcaya ("Vizcaya"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-18 are allowable over Yamaguchi alone and in view of any combination of Kobayashi, Ort, and Vizcaya for at least the following reasons.

It is undisputed that Yamaguchi fails to disclose or suggest "inserting the control value V and the criteria W in the authentication data". (See, the Final Office action, page 6.) The Final Office Action relies on Kobayashi for supplying that which is admitted missing from Yamaguchi, however, it is respectfully submitted that reliance on Kobayashi is misplaced.

Kobayashi does show (emphasis added) "inspection information for inspecting as to whether or not an error is contained in the digital data is generated by incorporating the digital data having the authenticating information added thereto into a prescribed hash function as a hash value derived from the hash function. Then in step S120, the generated inspection information is added as further authenticating information to the digital data entered by the digital camera 10." However, neither the storing of the inspection information nor the storing of the authenticating information discloses or suggests "inserting the control value V and the criteria W in the authentication data" as for example recited in claim 1.

As made clear in claim 1, creating a property set I ... and creating a property set A ... are guided by the criteria W and the control value V is generated in dependence on properties of the property set A.

Kobayashi makes clear that (emphasis added) "the generated time information, positional information, and environmental condition information, as well as the read-out personal information and apparatus information, are added as authenticating information to the digital data entered by the digital camera 10 ..." (See, Kobayashi, Col. 16, lines 34-39.) Accordingly, as clear from Kobayashi, the authenticating information is just additional information added to the digital picture data and does not disclose or suggest the inserting the criteria W and the control value V in the authentication data.

The Advisory Action maintained that "[t]he storing of the inspection information and the storing of the authenticating information are not in the scope of claim 1. The amendments to the claims clarifies this such that it is clear that the storing of the inspection information and the storing of the authenticating information is in the scope of claim 1.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Yamaguchi in view of Kobayashi. For example, Yamaguchi in view of Kobayashi does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "creating a property set A from the property set I that includes less information on the actual properties than property set Y, wherein the creating acts are guided by a criteria W; generating a control value V in dependence on properties of the property set A; inserting the control value V and the criteria W in the authentication data; and storing the control value V, the criteria W and the authentication data to a storage device" as recited in claim 1, and as similarly

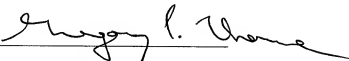
recited in each of claims 14, 15, 16, 17 and 18. Each of Ort and Vizcaya are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Yamaguchi in view of Kobayashi.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 14, 15, 16, 17 and 18 are patentable over Yamaguchi in view of Kobayashi and notice to this effect is earnestly solicited. Claims 2-13 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
May 11, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101